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Reid, Colin

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COMPLIANCE AND ENFORCEMENT OF ENVIRONMENTAL LAW. Eds Leroy C Paddock, David L Markell and Nicholas S Bryner

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In a review of an earlier volume of the *Elgar Encyclopedia of Environmental Law* (Edinburgh Law Review 21.3 (2017): 455-456 CHECK citation and style) my conclusion was that the book was “very useful”. This fourth volume in the series is even more successful and has immediately earned a place on my reading lists for students. Compared to earlier volumes it is shorter (260 pages of text), has a narrower focus and in each of the 19 chapters the authors have more consciously set out to provide an overview of their topic, drawing together the leading literature and providing comparative insights from a range of jurisdictions. There is thus, in a very positive way, more of a textbook feel about each chapter which makes this book an excellent source for anyone wanting to know about the broad subject encompassed by its title, whether as an introductory overview or a springboard to deeper analysis.

As in the earlier volumes of the *Encyclopedia*, the contributors (in this case from the USA, Canada, Australia and the Netherlands) have only about a dozen pages to address their subject, drawn from topics ranging from self-policing through enforcement strategies, the use of the civil law and corporate liability to monitoring and measuring compliance. They succeed admirably in distilling a wealth of evidence, literature and experience to provide clear explanations and deep insights into the challenges facing all aspects of making environmental laws effective in practice. The authors are aware of their wide audience so that even when some chapters are rooted in a particular jurisdiction, they both explain any specificities and place their discussion in a broader comparative context, drawing wider lessons from national experience.

A virtue of the book is that its focus is on compliance, not just regulatory enforcement. Thus it begins with discussions of self-policing and environmental management systems before moving on to issues affecting more direct forms of regulation and concludes with consideration of how the effectiveness of deterrence and overall compliance can be measured. For those seeking a quick introduction into the big ideas which have shaped thinking about enforcement, Neil Gunningham provides an admirable summary of the discussions on deterrence and compliance strategies and on responsive and smart regulation, supported by Cameron Holley and Darren Sinclair who consider how such strategies affect the where, how, who and why of enforcement. Taking a different approach, Michelle T Sanders and Pieter Asbeek-Brusse discuss what features make a regulation enforceable, listing among others clarity of language, identification of exactly what is required of whom, the availability of a suite of enforcement tools and background issues such as information sharing and training for enforcement officers. Such discussions, and the book as a whole, are very relevant to other areas of regulation as well, not simply the environment.

When the focus is on criminal liability, issues considered include the mental state required for criminal responsibility for environmental offences and corporate liability, whilst two chapters examine how far standard civil law concepts such as nuisance can be used in environmental contexts, in the civil law and common law worlds. Civil sanctions are also considered, drawing on Australian experience, as well as the settlement of environmental disputes and the extent to which the courts can control enforcement actions through administrative law mechanisms such as judicial review. Although the topics do feature at times, the book might

have been enhanced by further chapters examining the range of penalties imposed (and their effectiveness) and the criminological discussions of why non-compliance occurs, but it is being greedy to ask for any extensions to the coverage.

Two features noted in my earlier review of a different volume of the *Encyclopedia* are present here as well. The positive one is that each chapter is followed by a substantial bibliography, opening the way to further study, while the slight disappointment is that the index is adequate but less impressive, with many entries simply listing authors cited in the text.

In their Introduction to this volume, the editors identify five features of effective compliance and enforcement programmes: clarity, achievability, verifiability, a mix of rewards and sanctions and legitimacy. Studying the chapters that follow, readers will have ample opportunity to understand how such qualities contribute to that goal and how they can be achieved in a variety of contexts. Whatever one's level of prior knowledge, the contributions here will enhance one's understanding of regulation as a whole (not just environmental) and ability to analyse specific regulatory regimes within any system, so that the publishers' back-cover claims can be heartily endorsed: "Providing a broad overview, concise explanations and avenues for research, this assessment of environmental law compliance and enforcement is an indispensable tool for students, academics and practitioners."

Colin T. Reid,
Dundee Law School